

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY  
IN RESPONSE TO UTMB'S MOTION TO DISMISS**

Plaintiffs advise the Court of relevant authority supporting their response to Defendant University of Texas Medical Branch's motion to dismiss Plaintiffs' Americans with Disabilities Act and Rehabilitation Act claims (Doc. 5).

On December 16, 2013, Judge Reed O'Connor denied a nearly identical motion to dismiss ADA and Rehabilitation Act claims brought against a prison medical provider in *Wright v. Texas Department of Criminal Justice*, No. 7:13-cv-0116-O, Doc. 16 (N.D. Tex. Dec. 16, 2013).<sup>1</sup> Judge O'Connor found plaintiffs stated a claim against the prison's medical provider by alleging the provider failed to make recommendations to safely house inmates with disabilities – specifically, cells with roommates or without “tie-off” points for mentally ill inmates known to be at risk of suicide. Allegations the medical provider failed to recommend safe housing “state[s] a *prima facie* case that [the medical provider] violated the ADA and Rehabilitation Act.” *Id.* at 8.

The critical facts and allegations are the same here. UTMB knew Adams, Hudson, and James were people with disabilities who needed protection to be housed safely. But it failed to do so, and these men died. Thus, this Court should consider Judge O'Connor's decision as persuasive authority, and Plaintiffs' respectfully request the Court deny the motion to dismiss for the same reasons.

DATED: December 19, 2013.

Respectfully submitted,

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By /s/ Jeff Edwards  
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<sup>1</sup> A copy of the order is attached as Exhibit 1.

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**CERTIFICATE OF SERVICE**

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Eastern District of Texas.